

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

OFFICE OF  
MANAGING DIRECTOR

OCT 29 1992

Mr. Kenneth E. Satten  
Ms. Christine V. Simpson  
Wilkinson, Barker, Knauer & Quinn  
1735 New York Avenue, N.W.  
Washington, D.C. 20006

92-1881

Dear Mr. Satten and Ms. Simpson:

This will respond to your request for refund of a hearing fee filed on behalf of the First Assembly of God Church in connection with its construction permit application for a new FM station at Oglesby, Illinois.

You state and your documentation demonstrates that, prior to the Notice of Appearance deadline, the First Assembly of God Church voluntarily dismissed its application, and the single remaining applicant was granted.

Section 1.1111 (c)(4) of the Commission's rules provides for a refund of a hearing fee whenever an application is withdrawn pursuant to a settlement agreement prior to the Notice of Appearance deadline. Since the settlement agreement was timely filed and the remaining application was granted, refund of the hearing fee is appropriate.

Accordingly, your request is granted. A check, made payable to the maker of the original check and drawn in the amount of \$6,760.00, will be sent to you at the earliest practicable time. If you have any questions concerning this refund, please contact the Chief, Fee Section at (202) 632-0241.

Sincerely,

S/THJ fr

Marilyn J. McDermett  
Associate Managing Director  
for Operations

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In re Application of	)	MM Docket No. 92-188
	)	
STEPHEN W. SAMET	)	BPH-910820MB
	)	
DORIS A. STUDSTILL	)	BPH-910820MC
	)	
FIRST ASSEMBLY OF GOD CHURCH	)	BPH-910821ME
	)	
For Construction Permit for a New	)	
Commercial FM Station on Channel	)	
271A at Oglesby, Illinois	)	
To: The Managing Director		
Andrew Fischel		

920302 8170334003  
~~920302 8170334003~~  
~~920302 8170334003~~

PETITION FOR REFUND OF HEARING FEE

First Assembly of God Church ("Assembly"), by its attorneys, respectfully petitions for a refund of the hearing fee of \$6,760.00 pursuant to Section 1.1111(b)(4) of the Commission's rules.

By way of background, Assembly was an applicant for a construction permit for a new commercial FM station in Oglesby, Illinois. On February 27, 1992, Assembly timely paid the hearing fee of \$6,760.00 pursuant to Public Notice, Report No. NA-155, released December 27, 1991. As indicated in the caption above, the other applicants for the station were Stephen W. Samet ("Samet") and Doris A. Studstill ("Studstill"). The three applications for the Oglesby station were designated for hearing in a Hearing Designation Order released August 19, 1992 (copy attached). That Order indicated that Notice of Appearance must

be filed by September 8, 1992, and Assembly timely submitted a Notice of Appearance.

Assembly and Samet reached agreements with Studstill, by which Studstill agreed to pay the legitimate and prudent expenses incurred in connection with their applications in exchange for their agreement to dismiss their applications. On September 8, 1992, counsel for Studstill filed with the Administrative Law Judge, Joseph Chachkin, copies of the settlement agreements with Assembly and Samet and a Joint Petition for Approval of Settlement Agreements (copy attached). The parties later supplemented, and the Mass Media Bureau filed comments in support of the settlement. On September 29, 1992, Judge Chachkin released a Memorandum Opinion and Order granting the Joint Petition for Approval of Settlement Agreements, dismissing the applications of Samet and Assembly, granting the application of Studstill, and terminating the proceeding (copy attached).

Section 1.1111(b)(4) of the Commission's rules provides that broadcast applicants that pay the hearing fee before the release of the hearing designation order are entitled to a refund of that fee upon request whenever a settlement agreement filed with the presiding judge by the Notice of Appearance deadline provides for the dismissal of all but one of the applicants and the single remaining application is immediately grantable. As stated above, in the instant proceeding, settlement agreements were filed by the Notice of Appearance deadline, providing for the dismissal of Assembly's and Samet's applications, leaving only the application of Studstill which was immediately grant-

able, and indeed was granted in an order released September 29, 1992. Accordingly, Assembly respectfully requests refund of the \$6,760.00 hearing fee.

Respectfully submitted,

FIRST ASSEMBLY OF GOD CHURCH

By: Christine V. Simpson  
Kenneth E. Satten  
Christine V. Simpson

WILKINSON, BARKER, KNAUER & QUINN  
1735 New York Avenue, N.W.  
Washington, D.C. 20006  
(202) 783-4141

Its Attorneys

Dated: October 5, 1992

Before the  
Federal Communications Commission  
Washington, D.C. 20554

MM Docket No. 92-188

In re Applications of

STEPHEN W. SAMET                      File No. BPH-910820MB  
(hereafter "Samer")

DORIS A. STUDSTILL                      File No. BPH-910820MC  
(hereafter "Studstill")

FIRST ASSEMBLY OF                      File No. BPH-910821ME  
GOD CHURCH  
(hereafter "Assembly")

Charles Tiemann d/b/a                      File No. BPH-910822ME  
STARVED ROCK RADIO                      (DISMISSED HEREIN)  
(hereafter "Radio")

For Construction Permit for a New  
Commercial FM Station on Channel 27.1A  
at Oglesby, Illinois

HEARING DESIGNATION ORDER

Adopted: August 5, 1992:                      Released: August 19, 1992

By the Chief, Audio Services Division:

1. The Commission has before it the above-captioned mutually exclusive applications for a new commercial FM station.

2. *Hearing Fee.* Radio has not paid the hearing fee which was required by March 2, 1992, the date set forth in *Public Notice*, Mimeo No. 13110, released December 27, 1991. See revised Section 73.3573(g)(2) of the Commission's Rules and *Report and Order* in Gen. Dkt. 90-264 ("Proposals to Reform the Commission's Comparative Hearing Process"), 6 FCC Rcd 157, 157-158, 170 (1990), *Erratum*, 6 FCC Rcd 3472, *recon. granted in part*, 6 FCC Rcd 3403 (1991). Accordingly, the application of Radio will be dismissed.<sup>1</sup>

3. *Late-Filed Amendments.* Samet and Studstill petitioned for leave to amend their applications on November 25, 1991 and March 13, 1992, respectively. The accompanying amendments were filed after November 20, 1991, the last date for filing minor amendments as of right. Under Section 1.65 of the Commission's Rules, the amendments are accepted for filing. However, an applicant may not improve its comparative position after the time for filing

amendments as of right has passed. Therefore, any comparative advantage resulting from the amendments will be disallowed.

4. *Comparative Coverage.* Data submitted by the applicants indicate there would be a significant difference in the size of the populations which would receive service from the proposals. Consequently, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue for the purpose of determining whether a comparative preference should accrue to any of the applicants.

5. *Conclusion.* Except as may be indicated by any issues specified below, Samet, Studstill, and Assembly are qualified to construct and operate as proposed. Since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. ACCORDINGLY, IT IS ORDERED, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications ARE DESIGNATED FOR HEARING IN A CONSOLIDATED PROCEEDING, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, best serve the public interest.
2. To determine, in light of the evidence adduced pursuant to the specified issues, which of the applications should be granted, if any.

7. IT IS FURTHER ORDERED, That the application of Starved Rock Radio IS DISMISSED and the informal objection filed by Studstill on February 21, 1992 against the Starved Rock Radio application IS HEREBY DISMISSED AS MOOT.

8. IT IS FURTHER ORDERED, That the petitions for leave to amend filed by Samet (11/25/91) and Studstill (3/13/92) ARE GRANTED, and the corresponding amendments ARE ACCEPTED to the extent indicated in paragraph 3.

9. IT IS FURTHER ORDERED, That a copy of each document filed in this proceeding subsequent to the date of adoption of this Order shall be served on the counsel of record in the Hearing Branch appearing on behalf of the Chief, Mass Media Bureau. Parties may inquire as to the identity of the counsel of record by calling the Hearing Branch at (202) 632-6402. Such service shall be addressed to the named counsel of record, Hearing Branch, Enforcement Division, Mass Media Bureau, Federal Communications Commission, 2025 M Street, N.W., Suite 7212, Washington, D.C. 20554. Additionally, a copy of each amendment filed in this proceeding subsequent to the date of adoption of this Order shall also be served on the Chief, Data Management Staff, Audio Services Division, Mass Media Bureau, Federal Communications Commission, Room 350, 1919 M Street, N.W., Washington, D.C. 20554.

<sup>1</sup> In light of this action, the informal objection filed by Studstill on February 21, 1992 against the Radio application will

be dismissed as moot.

10. IT IS FURTHER ORDERED. That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein shall, pursuant to Section 1.325(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for hearing and to present evidence on the issues specified in this Order. Pursuant to Section 1.325(c) of the Commission's Rules, within five days after the date established for filing notices of appearance, the applicants shall serve upon the other parties that have filed notices of appearance the materials listed in: (a) the Standard Document Production Order (see Section 1.325(c)(1) of the Rules); and (b) the Standardized Integration Statement (see Section 1.325(c)(2) of the Rules), which must also be filed with the presiding officer. Failure to so serve the required materials may constitute a failure to prosecute, resulting in dismissal of the application. *See generally Proposals to Reform the Commission's Comparative Hearing Process (Report and Order in Gen. Doc. 90-264), 6 FCC Rcd 157, 160-1, 166, 168 (1990); Erratum, 6 FCC Rcd 3472 (1991); recon. granted in part, 6 FCC Rcd 3403 (1991).*

11. IT IS FURTHER ORDERED. That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

FEDERAL COMMUNICATIONS COMMISSION

W. Jan Gay, Assistant Chief  
Audio Services Division  
Mass Media Bureau

LAW OFFICES OF  
**BOOTH, FRERET & IMLAY**SUITE 204  
1233 20TH STREET, N.W.  
WASHINGTON, D.C. 20036

September 8, 1992

J. M. BOOTH, JR. (1911-1981)  
JULIAN P. FRERET  
CHRISTOPHER D. IMLAYTELEPHONE  
(202) 296-8100  
TELECOPIER  
(202) 293-1318**RECEIVED**  
**SEP - 8 1992**  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Administrative Law Judge  
Joseph Chachkin  
Federal Communications Commission  
2000 L Street, N. W., Room 226  
Washington, D. C. 20554

In re: Oglesby, IL Proceeding, MM Docket 92-188

Dear Judge Chachkin:

All parties to the captioned hearing have reached a settlement, whereby - subject to your approval - the applications of Stephen W. Samet and the First Assembly of God Church would be dismissed and that of Doris A. Studstill granted.

Samet and Assembly would be paid the reasonable and prudent expenses incurred in drafting, filing and prosecuting their respective applications.

Accordingly, there are enclosed herewith the following documents:

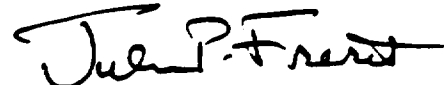
1. Joint Petition for Approval of Settlement Agreements.
2. Settlement Agreement between Doris A. Studstill and Stephen W. Samet.
3. Declaration of Stephen W. Samet of no consideration other than as set forth in the said Agreement, expenses incurred, application filed solely for the purpose of securing a grant and public interest served thereby.
4. Settlement Agreement between Doris A. Studstill and First Assembly of God Church.
5. Declaration of First Assembly of God Church of no consideration other than as set forth in the said Agreement, expenses incurred, application filed solely for the purpose of securing a grant and public interest served thereby.
6. Statement of Doris A. Studstill re application for the sole purpose of securing a grant, no consideration paid or promised other than as set forth in the said Agreements and public interest served by approval of settlement agreements.

Administrative Law Judge  
Joseph Chachkin  
September 8, 1992  
Page Two

Counsel for Assembly will supplement its statement of expenses with a specific showing with respect to reasonable and prudent charges for legal services.

Copies of this letter and all enclosures have been served upon all parties to this proceeding.

Yours very truly,

A handwritten signature in dark ink, appearing to read "Julian P. Freret". The signature is fluid and cursive, with the first name "Julian" being the most prominent.

Julian P. Freret

JPF:mf

CC: James Shook, Esquire  
Christine V. Simpson, Esquire  
John R. Wilner, Esquire

Enclosures



RECEIVED

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

OCT - 5 1992

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re Applications of	)	MM Docket No. 92-188
	)	
STEPHEN W. SAMET	)	BPH-910820MB
	)	
DORIS A. STUDSTILL	)	BPH-910820MC
	)	
FIRST ASSEMBLY OF GOD CHURCH	)	BPH-910821ME
	)	
For Construction Permit for a New	)	
Commercial FM Station on Channel	)	
271A at Oglesby, Illinois	)	

TO: The Honorable Joseph Chachkin  
Administrative Law Judge

**JOINT PETITION FOR APPROVAL OF SETTLEMENT AGREEMENTS**

Doris A. Studstill ("Studstill"), Stephen W. Samet ("Samet") and First Assembly of God Church ("Assembly") by their respective counsel herewith request the Presiding Judge to approve the agreements submitted herewith, dismiss the above-referenced applications of Samet and Assembly and grant the above-referenced application of Studstill, in accordance with the terms of the Settlement Agreements. In support of such request the following is shown:

1. The above-referenced applications were designated for hearing in the above proceeding. The applications seek identical facilities for a new FM at Oglesby, Illinois, making these applications mutually exclusive. Only the standard comparative issues are outstanding.

2. Assembly and Samet have reached agreements with Studstill to request dismissal of their respective applications in consideration for reimbursement by Studstill of their expenses, legitimately and prudently incurred in the preparation, filing and prosecution of their respective applications. A written Settlement Agreement between Studstill and Samet was executed on September 8, 1992, a copy of which is attached hereto as Exhibit A. A written Settlement Agreement between Studstill and Assembly was also executed on September 3, 1992, a copy of which is attached hereto as Exhibit B. Under the terms of these written Settlement Agreements, Studstill has agreed that she will, following the issuance of a Final Order, approving the Settlement Agreements, dismissing Samet's and Assembly's applications and granting Studstill's application, reimburse Samet and Assembly their expenses, legitimately and prudently incurred in the preparation, filing and prosecution of their respective applications, in amounts and under the terms set forth in the Settlement Agreements.

3. Therefore, under the terms of the attached Settlement Agreements, the parties propose a resolution of the conflict caused by their competing applications for a new FM broadcast station to operate at Oglesby, Illinois. The applicants submit that a grant of this Joint Petition, approving the Agreements entered into by them, would resolve the conflict between their applications, avoid further hearing proceedings and reduce the expenditure of time and resources which will be required of the Commission and the

applicants in the resolution of this proceeding, thereby providing for the more expeditious entry of this new FM broadcast service to Oglesby, Illinois.

4. The applicants further submit in support of this Joint Petition:

(a) The Declaration of Stephen W. Samet, setting forth all relevant facts, as specified in Section 73.3525 of the Commission's Rules and Regulations (attached hereto as Exhibit C); and

(b) The Declaration of Sam Mayo, President, First, setting forth all relevant facts, as specified in Section 73.3525 of the Commission's Rules and Regulations (attached hereto as Exhibit D).

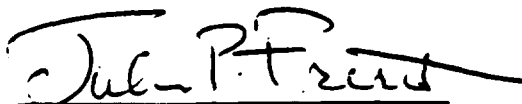
WHEREFORE, premises considered and good cause having been shown, it is respectfully requested that, contingent upon the fulfillment of the conditions set forth in Settlement Agreements, the Commission:

1. APPROVE the Agreement entered into by Studstill and Samet; and
2. APPROVE the Agreement entered into by Studstill and Assembly; and
3. DISMISS the above-referenced applications of Samet and Assembly; and
4. GRANT the above-referenced application of Studstill.

Respectfully submitted,

DORIS A. STUDSTILL

By



Julian P. Freret  
Her Counsel

BOOTH, FRERET & IMLAY  
1233 20th Street, N. W.  
Suite 204  
Washington, D. C. 20036  
(202) 296-9100

**FIRST ASSEMBLY OF GOD CHURCH**

By Christine V. Simpson  
Christine V. Simpson  
Its Counsel

WILKINSON, BARKER, KNAUER  
& QUINN  
1735 New York Avenue, N. W.  
Washington, D. C. 20006  
(202) 783-4141

**STEPHEN W. SAMET**

By John R. Wilner  
John R. Wilner  
His Counsel

BRYAN, CAVE, MCPHEETERS  
and McROBERTS  
70 Thirteenth Street, N. W.  
Suite 600  
Washington, D. C. 20005  
(202) 508-6041

Julian P. Freret  
Her Counsel

BOOTH, FRERET & IMLAY  
1233 20th Street, N. W.  
Suite 204  
Washington, D. C. 20036  
(202) 296-9100

**FIRST ASSEMBLY OF GOD CHURCH**

By Christine V. Simpson  
Its Counsel

WILKINSON, BARKER, KNAUER  
& QUINN  
1735 New York Avenue, N. W.  
Washington, D. C. 20006  
(202) 783-4141

**STEPHEN W. SAMET**

By John R. Wilner  
John R. Wilner  
His Counsel

BRYAN, CAVE, MCPHEETERS  
and McROBERTS  
70 Thirteenth Street, N. W.  
Suite 600  
Washington, D. C. 20005  
(202) 508-6041

**SETTLEMENT AGREEMENT**

**AGREEMENT** made this 8th day of September, 1992, by and between DORIS A. STUDSTILL ("Studstill") and STEPHEN W. SAMET ("Samet").

**W I T N E S S E T H:**

**WHEREAS**, Studstill has an application (File No. BPH-910820MC) pending before the Federal Communications Commission, requesting authority to construct and operate a new FM broadcast station to operate on FM Channel 271A at Oglesby, Illinois; and

**WHEREAS**, Samet has an application (File No. BPH-910820MB), requesting authority to construct the same facilities as Studstill, which application is presently pending before the Federal Communications Commission; and

**WHEREAS**, these applications are mutually exclusive with one another and with that of First Assembly of God Church ("Assembly") (File No. BPH-910821ME); and

**WHEREAS**, Samet has expressed willingness to request dismissal of his application in exchange for certain consideration to be paid to him by Studstill; and

**WHEREAS**, prior approval of the Federal Communications Commission (the "Commission") is required to give effect to this Agreement;

NOW, THEREFORE, in consideration of their mutual promises and other good and valuable considerations, the parties agree as follows:

1. Within five (5) days after execution of this Agreement, the parties hereto shall file this Agreement with the Presiding Judge, together with a Joint Petition for Approval thereof. The parties further agree that they will seek to demonstrate in such Petition that the public interest will be served by the approval of this Agreement.

2. Studstill agrees that she will, within five (5) days after the approval of this Agreement, the dismissal of Samet's and Assembly's applications and the grant of Studstill's application have become a final order, to pay to Samet his out-of-pocket expenses, legitimately and prudently incurred in the preparation, filing and prosecution of his application, not to exceed eight thousand DOLLARS (\$ 8,000.00 ).

(See: Attachment No. 1, hereto)

3. Studstill and Samet agree that the dismissal of Samet's application and Studstill's obligation to pay the consideration specified herein shall both be made contingent upon the dismissal of Assembly's above-referenced application.

4. For the purposes of this Agreement, a "final order" shall mean action by the Commission which is not reversed, stayed, enjoined, set aside, annulled or suspended, and with respect to which action no timely request for stay, petition for rehearing, or

appeal is pending, and as to which the time for filing any such request, petition or appeal has expired.

5. The parties agree that this Agreement shall not become effective or be carried out unless and until the Federal Communications Commission has approved it.

6. This Agreement constitutes the entire understanding of the parties, and no other consideration, action or forbearance is contemplated or relied upon by them.

7. This Agreement is specifically conditioned upon the filing with the Presiding Judge on or before September 8, 1992 all documents required by Section 1.111(b)(4) of the Commission's Rules for return of the hearing fees paid by Samet, Studstill and Assembly.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

**DORIS A. STUDSTILL**

By *Doris A. Studstill*  
Doris A. Studstill

**STEPHEN W. SAMET**

By \_\_\_\_\_  
Stephen W. Samet



appeal is pending, and as to which the time for filing any such request, petition or appeal has expired.

5. The parties agree that this Agreement shall not become effective or be carried out unless and until the Federal Communications Commission has approved it.

6. This Agreement constitutes the entire understanding of the parties, and no other consideration, action or forbearance is contemplated or relied upon by them.

7. This Agreement is specifically conditioned upon the filing with the Presiding Judge on or before September 8, 1992 all documents required by Section 1.111(b)(4) of the Commission's Rules for return of the hearing fees paid by Samet, Studstill and Assembly.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

**DORIS A. STUDSTILL**

By \_\_\_\_\_  
Doris A. Studstill

**STEPHEN W. SAMET**

By \_\_\_\_\_  
Stephen W. Samet

**SETTLEMENT AGREEMENT**

**AGREEMENT** made, this 3RD day of September, 1992, by and between DORIS A. STUDSTILL ("Studstill") and FIRST ASSEMBLY OF GOD CHURCH ("Assembly").

**W I T N E S S E T H:**

**WHEREAS**, Studstill has an application (File No. BPH-910820MC) pending before the Federal Communications Commission, requesting authority to construct and operate a new FM broadcast station to operate on FM Channel 271A at Oglesby, Illinois; and

**WHEREAS**, Assembly has an application (File No. BPH-910821ME), requesting authority to construct the same facilities as Studstill, which application is presently pending before the Federal Communications Commission; and

**WHEREAS**, these applications are mutually exclusive with one another and with that of Stephen W. Samet ("Samet") (File No. BPH-910820MB); and

**WHEREAS**, Assembly has expressed willingness to request dismissal of its application in exchange for certain consideration to be paid to it by Studstill; and

**WHEREAS**, prior approval of the Federal Communications Commission (the "Commission") is required to give effect to this Agreement;

**NOW, THEREFORE**, in consideration of their mutual promises and other good and valuable considerations, the parties agree as follows:

1. Within five (5) days after execution of this Agreement, the parties hereto shall file this Agreement with the Presiding Judge, together with a Joint Petition for Approval thereof. The parties further agree that they will seek to demonstrate in such Petition that the public interest will be served by the approval of this Agreement.

2. Studstill agrees that she will, within five (5) days after the approval of this Agreement, the dismissal of Assembly's and Samet's applications and the grant of Studstill's application have become a final order, to pay to Assembly its out-of-pocket expenses, legitimately and prudently incurred in the preparation, filing and prosecution of its application, not to exceed Twelve Thousand Nine Hundred Twenty-four Dollars and 56 cents (\$12,924.56) (See: Attachment No. 1 hereto).

3. Studstill and Assembly agree that the dismissal of Assembly's application and Studstill's obligation to pay the consideration specified herein shall both be made contingent upon the dismissal of Samet's above-referenced application.

4. For the purposes of this Agreement, a "final order" shall mean action by the Commission which is not reversed, stayed, enjoined, set aside, annulled or suspended, and with respect to which action no timely request for stay, petition for rehearing, or

appeal is pending, and as to which the time for filing any such request, petition or appeal has expired.

5. The parties agree that this Agreement shall not become effective or be carried out unless and until the Federal Communications Commission has approved it.

6. This Agreement constitutes the entire understanding of the parties, and no other consideration, action or forbearance is contemplated or relied upon by them.

7. This Agreement is specifically conditioned upon the filing with the Presiding Judge on or before September 8, 1992 all documents required by Section 1.111(b)(4) of the Commission's Rules for return of the hearing fees paid by Samet, Studstill and Assembly.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

**DORIS A. STUDSTILL**

By *Doris A. Studstill*  
Doris A. Studstill

**FIRST ASSEMBLY OF GOD CHURCH**

By \_\_\_\_\_

appeal is pending, and as to which the time for filing any such request, petition or appeal has expired.

5. The parties agree that this Agreement shall not become effective or be carried out unless and until the Federal Communications Commission has approved it.

6. This Agreement constitutes the entire understanding of the parties, and no other consideration, action or forbearance is contemplated or relied upon by them.

7. This Agreement is specifically conditioned upon the filing with the Presiding Judge on or before September 8, 1992 all documents required by Section 1.1111(b)(4) of the Commission's rules for return of the hearing fees paid by Samet, Studstill and Assembly.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

**DORIS A. STUDSTILL**

By Doris A. Studstill

**FIRST ASSEMBLY OF GOD CHURCH**

By Sam Mayo  
Sam Mayo, President

EXHIBIT C

## DECLARATION


I, Stephen W. Samet, am an applicant for a new FM broadcast station to operate on Channel 271A at Oglesby, Illinois, which application is presently pending before the Federal Communications Commission and bears the File No. BPH-910820MB. This application is mutually exclusive with the applications of Doris A. Studstill, File No. BPH-910820MC, and First Assembly of God Church, File No. BPH-910821ME.

I certify that there has been no consideration given by, promised to, received by, or promised by Doris A. Studstill or any agent of Doris A. Studstill to me other than as specifically set forth in the Settlement Agreement between Stephen W. Samet and Doris A. Studstill.

My application was filed solely for the purpose of securing a grant from the Commission and not in order to achieve a settlement with Doris A. Studstill or anyone else.

The public interest will be served by grant of the application of Doris A. Studstill and dismissal of my application, to the extent that a first local radio service will be brought to Oglesby, Illinois far sooner than if a full administrative hearing were held. Additionally, approval of the said settlement agreement will result in a saving of time and money to the Commission and as well to each of the applicants.

The foregoing is true and correct under penalty of perjury.

  
\_\_\_\_\_  
Stephen W. Samet

Dated this 8th day of September, 1992

I hereby certify that the following funds were reasonably and prudently spent by me in drafting, filing and prosecution of my application for a new FM station at Oglesby, Illinois, File No. BPH-910820MB:

Legal	\$ 3696.54
Engineering	1918.43
Long-distance telephone,	
facsimile	42.00
Xerox, etc., copies	20.00
Notices of Filing, Hearing	2030.00
Travel and transportation	88.00
Miscellaneous	
Federal Express	45.00
Etc.	
Public Notice	100.00
Etc.	

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Total	\$ 7939.97
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The foregoing is true and correct under penalty of perjury.

  
\_\_\_\_\_  
Stephen W. Samet

September 8, 1992

## **ADDENDUM TO CERTIFICATION OF EXPENSES**


Pursuant to Section 1.1111(b)(4) of the Commission's Rules and paragraph 7 of the Settlement Agreement between Doris A. Studstill and Stephen W. Samet, the \$6760 hearing fee paid by Samet on February 28, 1992, is to be refunded and, therefore, is not included in the list of expenses incurred by Samet.



# DECLARATION

In connection with the preparation and prosecution of his application for a construction permit for a new FM broadcast station to operate on Channel 271A at Oglesby, Illinois, Stephen W. Samet has incurred legal fees from the law firm of Bryan Cave in the amount of \$ 3,696.54, of which \$ 776.01 has not yet been invoiced.

The foregoing is true and correct to the best of my knowledge and belief.

  
\_\_\_\_\_  
John R. Wilner, Esq.  
Bryan Cave

Date: September 8, 1992